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EXAMINER

MEHMOOD, JENNIFER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/574,185
Filing Date: March 30, 2006
Appellant(s): FREEMAN, CURTIS

W. Brinton Yorks, Jr.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 15, 2008 appealing from the Office action mailed April 3, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,320,505	Scott	11-2001
US 6,317,045	Suzuki	11-2001
US 5,283,546	Scop et al.	02-1994
US 5,877,676	Shankarappa	03-1999
US 2005/0156740	Maloney	07-2005
US 2002/0158751	Bormaster	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2, 4, 6, 7, 11, 12, 14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott (US 6,320,505) and further in view of Suzuki (US 6,317,045).

For claims 1 and 11, Scott discloses an apparatus and method for notification that equipment having at least one function is due for return to a home station, comprising: a reminder alarm for notification that the equipment is due for return to the home station (col 1, lns 4-8), said reminder alarm having a default timeout configuration

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(col 6, Ins 4-9); a timeout device (Fig. 9, items 6; Fig. 6, item 26); a control device to optionally configures the reminder alarm timeout configuration at the home station (col 5, Ins 40-55), and arm the timeout device with the configured timeout, and when the timeout expires, generate a reminder alarm to return the equipment to the home station, said alarm generated according to the timeout configuration (col 3, Ins 17-27; col 6, Ins 31-40 and 55-67; col 7, Ins 1-28). While Scott discloses a reminder alarm, the reminder alarm is neither integral with the equipment nor emitted from the equipment. Suzuki, on the other hand, discloses both a reminder alarm integral with and emitted from equipment (col 4 Ins 26-45; Fig. 2, item 21; col 5, Ins 34-38; col 7, Ins 6-17 and 64-67; Fig. 4, items 8 and 9). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the equipment disclosed by Scott to include an alarm on equipment to be rented/returned, as disclosed by Suzuki) to help an individual meet the deadline to return loaned equipment so the individual does not incur a late fee.

Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott (US 6,320,505) and Suzuki (US 6,317,045), and further in view of Scop et al. (US 5,283,546).

Scott does not disable a function of equipment when it is not essential. However, Scop discloses disable a function of equipment when it is not essential (Fig. 1A, item 109; col 2, Ins 28-35). It would have been obvious to disable a function of equipment when it is not essential in order to conserve power.

Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott (US 6,320,505) and Suzuki (US 6,317,045) and further in view of Shankarappa (US 5,877,676).

Scott does not disclose the set progression to be one of an incremental increase and random variation in at least one of the intensity of the reminder alarm and frequency of the reminder alarm. However, Shankarappa discloses set progression to be one of an incremental increase and random variation in at least one of the intensity of a reminder alarm and frequency of the reminder alarm (Fig. 1, item 26; col 4, lns 31-45). It would have been obvious to set the progression to be an increase in intensity or frequency of an alarm so that a person hearing the alarm can estimate an amount of time during which the alarm has been sounding based on the pitch of the alarm.

Claims 8, 9, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott (US 6,320,505) and Suzuki (US 6,317,045), and further in view of Maloney (US 2005/0156740).

For claims 8 and 18, Scott discloses resetting a reminder alarm, but does not disclose said home station is a touchpad input device that accepts a password input via the touchpad, and said control device is further configured to reset said reminder alarm to said default timeout configuration on input of a predetermined password via the touchpad. Maloney, on the other hand, discloses a touchpad input device that accepts a password input via the touchpad, and a control device is further configured to reset a reminder alarm to a default timeout configuration on input of a predetermined password via the touchpad (parags 006; 0017-0019; 0057; 0063). It would have been obvious to

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reset an alarm based on input of a predetermined password in order to generate a record of a rented item by a specific individual.

For claims 9 and 19, Scott discloses said home station is a mechanical reset device that resets the reminder alarm when mechanically engaged with said reminder alarm (col 3, Ins 16-26; col 5, Ins 37-55). Scott, however, does not disclose a mechanical key and key controller that resets said reminder alarm to said default timeout configuration on mechanical engagement with the mechanical key reset device. Maloney, however, discloses a mechanical key and key controller that resets said reminder alarm to said default timeout configuration on mechanical engagement with the mechanical key reset device (parags 0037, 0038, 0044, 0048). It would have been obvious to disclose a mechanical key reset device with a mechanical key controller in order to keep track of rented/returned items.

Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott (US 6,320,505) and Suzuki (US 6,317,045), and further in view of Bormaster (US 2002/0158751).

Scott discloses a home station, but the home station does not include one of an infrared or RF transmitter. However, Bormaster discloses a home station is one of an infrared transmitter and a radio frequency transmitter, having a given range and that continually transmits a reminder alarm reset signal (parag 0008); and said reminder alarm further comprises a corresponding one of an infrared sensor and a radio frequency receiver that resets said reminder alarm to said default timeout configuration on receipt of said transmitted reset signal, wherein said reminder alarm is continually

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reset whenever said equipment (parag 0016) is within the given range of the home station (parag 0020). In view of the two teachings, it would have been obvious to implement the home station with an RF transmitter and receiver where an alarm is continually reset whenever said equipment is within the given range of the home station so that equipment is not flagged as being missing, but returned to a particular area.

(10) Response to Argument

Refer to Appellant's remarks on pages 5 and 6. While Scott discloses a reminder alarm for equipment to be rented, Scott does not disclose an alarm that is integral with the equipment to be rented which is why the Suzuki reference is introduced. On page 6, The Appellant discloses that the Scott reference must be set by the renter and cannot be adjusted by the cassette rental store and believes that it is unreliable in that it is dependent upon timely action by the renter in order to operate correctly. However, the Examiner points out that these features of Scott are unrelated and irrelevant to the claim limitations since the limitations of claims 1 and 11 do not call for a setting adjusted by the cassette rental store or a device that is reliable.

The Appellant discloses that the Suzuki reference was "cited for its showing of an integral alarm but, like the VCR cassette of Scott, it also lacks the integral reminder alarm timeout and control device to time the use period until the player is due to be returned. Suzuki does not rely on time at all, but on receipt of a code when the player passes the transmitter 4. Thus it is respectfully submitted that the combination of Scott and Suzuki render the invention of Claims 1 and 11 unpatentable."

The Appellant is reminded that the Scott reference does disclose equipment with a reminder timeout and a control for return of the equipment to the home station; the Suzuki reference was disclosed to teach that the reminder alarm device is **integral** with the equipment. No where in the claim limitations is the reminder alarm **timeout** integral with the equipment. Furthermore, Scott discloses a control device to optionally configure the reminder alarm timeout configuration at the home station (col 5, Ins 40-55).

On page 6, second full paragraph, the Appellant contends that the references of Scott and Suzuki are disparate, however, both references emit alarms to notify individuals to return rental equipment to a home station. While Scott discloses an alarm on the home station and Suzuki discloses an alarm integral with the rental equipment, the combination of Scott and Suzuki is reasonable for the aforementioned reason that both devices are related to the returning of rental equipment.

Referring to the Appellant's remarks on pages 6 and 7, regarding claims 3 and 13, the Applicant contends that there is no reason to combine Scott with Scop since one would not combine the teaching of a roadside emergency call box with that of a VCR cassette holder, except for the claimed invention. The examiner, however, does not combine every single feature of a call box with a VCR cassette, but uses the Scop reference to teach power conservation since a portion of circuitry that is unnecessary is disabled after a time-out period. The combination of Scott and Shop is reasonable since Scott discloses powering equipment, but does not include a power conservation means;

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Scott's equipment would benefit by modifying the power circuits to include a circuit which includes a power conservation mode.

Referring to the Appellant's remarks on page 7, regarding claims 5 and 15, the Applicant contends that there is no reason to combine Scott with Shankarappa since there is no reason why a variably sounding alarm (disclosed by Shankarappa) which audibly indicates the number of seconds the alarm has been sounding should be combined with the Scott device. The claim limitations of 5 and 15 are directed towards an increase and random variation in alarm intensity. While the Scott reference discloses an alarm, the reference does not vary an intensity of an alarm. Shankarappa discloses the feature of varying alarm intensity to further emphasize an alarming condition. Since both Scott and Shankarappa disclose an alarming condition, the combination is reasonable.

Reference Appellant's remarks on pages 7-9, regarding claims 8, 9, 18, and 19, the Applicant contends that there is no reason to combine Scott with Maloney since there is no reason for combining the vehicle key storage box of Maloney with the cassette holder of Scott. Scott and Maloney are both concerned with keeping track of objects. While Scott discloses a rental/return system for keeping track of video cassettes, Maloney discloses keeping track of tagged objects such as keys. Scott would benefit by using the password and touchpad system, disclosed by Maloney, located at base station 8 (Figure 5) in order to associate a user with a video cassette. Maloney teaches the same concept of associating an article with a user except a key is

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associated with a user. For these reasons, the combination of Scott and Maloney is reasonable.

Referring to the Appellant's remarks on pages 9 and 10, regarding claims 10 and 20. The Applicant contends that there is no reason to combine Scott with Bormaster since an inventory system that uses RFID tags is not a reasonable combination with the cassette holder of Scott. While Scott discloses a rental/return system for keeping track of video cassettes, Bormaster discloses keeping track of inventory via RFID tags. Scott would benefit by including RFID tags on the video cassettes in order to track and locate video cassettes. For these reasons, the combination of Scott and Maloney is reasonable.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jennifer Mehmood/
October 6, 2008

Conferees:

/Jeff Hofsass/
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